

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VAN CLEEF & ARPELS, S.A., and
VAN CLEEF & ARPELS, INC.,

Plaintiffs,

V.

07 Civ. 11476 (SAS)

HEIDI KLUM GMBH, and
MOUAWAD USA, INC.,

Defendants.

**MEMORANDUM IN SUPPORT OF DEFENDANT HEIDI KLUM GMBH'S
MOTION TO DISMISS THE AMENDED COMPLAINT**

Defendant Heidi Klum GmbH (“Klum GmbH”), by and through its undersigned counsel, moves this Court to dismiss the Amended Complaint of Plaintiffs Van Cleef & Arpels, S.A. and Van Cleef & Arpels, Inc. (collectively “VCA”) for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

In support of this Motion, Klum GmbH hereby adopts and incorporates by reference, in full, the arguments made by Defendant Mouawad USA, Inc. (“Mouawad”) in its Memorandum in Support of Defendant Mouawad’s Motion to Dismiss the Amended Complaint filed on May 19, 2008.

Defendant Klum GmbH certifies that it has conferred with Plaintiffs with respect to this motion to dismiss Plaintiffs' Amended Complaint pursuant to your Honor's Individual Practice Rule III. B.

Date: New York, New York
May 29, 2008

ALSTON & BIRD LLP

By:  _____

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